

EXHIBIT A

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

MONITA SHARMA and ERIC ANDERSON, on behalf of themselves and all others similarly situated,

Plaintiffs.

V.

BMW OF NORTH AMERICA, LLC, a
Delaware Limited Liability Company,

Defendant.

Case No. 3:13-cv-02274-MMC

**PLAINTIFFS' FIRST SET OF
DOCUMENT REQUESTS TO
DEFENDANT BMW OF NORTH
AMERICA, LLC**

Pursuant to Federal Rule of Civil Procedure 34, Plaintiffs Monita Sharma and Eric Anderson (“Plaintiffs”) hereby serve the following document requests to Defendant BMW of North America, LLC (“BMW NA” or “Defendant”). Plaintiffs request that BMW NA produce the following documents at the offices of Wexler Wallace LLP, 55 West Monroe Street, Suite 3300, Chicago, Illinois 60603, in the format agreed to by the parties. Each request is subject to the Definitions and Instructions below.

18. The present tense shall be construed to include the past tense and the past tense shall be construed to include the present tense as necessary to bring within the scope of these Requests any information that might otherwise be construed to be outside their scope.

19. The singular shall be construed as the plural and the plural shall be construed to include the singular as necessary to bring within the scope of these Requests any information that might otherwise be construed to be outside their scope.

20. A request to identify an individual is a request to provide the individual's full name, job title, and—if no longer working for You—last known address for the individual.

21. These interrogatories are continuing in nature and require supplementation and correction to the full extent required by the Federal Rules of Civil Procedure and local rules.

DOCUMENT REQUESTS

1. The native files of all computer-aided design (CAD) models/drawings, 2-dimensional drawings or models of the Electronic Component Parts and Drainage Tubes in the Class Vehicles.

2. All Documents that reference or relate to design specifications for the Electronic Component Parts and Drainage Tubes for the Class Vehicles. This includes drawings, blueprints and diagrams, 2-dimensional drawings and native electronic files of any computer-aided design (CAD) drawing or modeling of the components, themselves, as well as the location of those components and surrounding components.

3. Documents describing BMW NA's decision-making process for locating the Electronic Component Parts where it did in the Class Vehicles.

4. All Documents concerning any analysis used to identify hazards and minimize the risk of failure associated with water, liquid, or moisture intrusion in the Electronic Component Parts for the Class Vehicles. This includes, but is not limited to, any Fault Tree Analyses (FTA), Failure Modes and Effects Analyses (FMEA—also known as Failure Modes, Effects and Criticality Analyses or FMECA), Fishbone diagrams, Preliminary Hazard Analyses (PHA), or other similar documents.

1 5. All Documents and Communications relating to safety issues associated with
2 water, liquid, or moisture intrusion in the Electronic Component Parts or the compartment within
3 which the Electronic Component Parts sit in the Class Vehicles.

4 6. All service bulletins, service flashes, or other Documents discussing water ingress
5 into areas where the Electronic Component Parts of the Class Vehicles are located.

6 7. All Documents that relate to the reliability, failure rate, projected failure, or
7 lifespan of any part in the Electronic Component Parts, including, but not limited to
8 circumstances concerning the placement of the Electronic Component Parts and their viability in
9 moist or damp environments in the Class Vehicles.

10 8. All Documents that reference actual or potential defects relating to the Electronic
11 Component Parts and Drainage Tubes, including, but not limited to circumstances where leaks in
12 or the rupturing of Drainage Tubes result in water or moisture accumulation in the Class Vehicles
13 and the effect of such moisture, dampness, or water on the Electronic Component Parts.

14 9. Any assessments, analyses, tests, test results, studies, surveys, simulations,
15 investigations, inquiries, engineering changes, and/or evaluations (collectively, "Actions") related
16 to the Electronic Component Parts and Drainage Tubes in the Class Vehicles, including, but not
17 limited to circumstances where leaks in or the rupturing of Drainage Tubes result in water or
18 moisture accumulation in the Class Vehicles and the effect of such moisture, dampness, or water
19 on the Electronic Component Parts. This includes any Actions which have been conducted, are
20 being conducted, or are planned by, or for, BMW NA. Please ensure that Your response includes
21 testing or analysis conducted by BMW NA, its suppliers, or any other third-parties, on any and all
22 subject components returned to BMW NA or the supplier, from field service, or other consumer
23 use.

24 10. All Documents relating to testing, including, but not limited to track testing, road
25 testing, laboratory testing, or any other durability testing at a vehicle system or component level,
26 which references the Electronic Component Parts and/or Drainage Tubes, including, but not
27 limited to circumstances where leaks in or the rupturing of Drainage Tubes result in water or
28

1 moisture accumulation in the Class Vehicles and the effect of such moisture, dampness, or water
2 on the Electronic Component Parts. This includes video footage, data, results, and notes.

3 11. From 1998 to present, a copy of your organizational charts and/or directories
4 identifying each individual involved in the design, manufacture, development, testing, and
5 engineering of the Electronic Component Parts and/or Drainage Tubes of the Class Vehicles.
6 Include the name of each individual that presently occupies each position and the individual who
7 had occupied each such position when the Electronic Component Parts and/or Drainage Tubes
8 described above for the Class Vehicles were designed.

9 12. All marketing and advertising materials for the Class Vehicles.

10 13. Documents (such as spreadsheets) showing for each year—from 1998 to present—
11 the total number of Class Vehicles sold by You and/or Your authorized retailers/dealers (a) within
12 the United States; and (b) for each state in the United States. This information should, for each
13 year and for each Class Vehicle, identify the model, the vehicle identification number, and the
14 sale price. Please produce this information in an Excel, Access, or similar type of database
15 format, which can be sorted and organized by the Plaintiffs.

16 14. Documents (such as spreadsheets) showing the gross sales of the Class Vehicles
17 from 1998 to present (a) within the United States; and (b) for each state in the United States.
18 Please produce this information in an Excel, Access, or similar type of database format, which
19 can be sorted and organized by the Plaintiffs.

20 15. Documents (such as spreadsheets) showing the net sales/profits of the Subject
21 Vehicles—from 1998 to present—and include the calculation of how the net sales/profits were
22 obtained. Please produce this information in an Excel, Access, or similar type of database format
23 which can be sorted and organized by the Plaintiffs.

24 16. All Documents demonstrating, evidencing, or showing for each year—from 1998
25 to present—the suggested or actual retail price of the Class Vehicles sold by You and Your
26 authorized retailers/dealers in the United States.

27 17. All Documents concerning the Class Representatives, including, but not limited to
28 all Communications with the Class Representative.

1 18. All sales contracts for the Class Vehicles purchased by the Class Representatives
2 in this case.

3 19. All contracts between You and the dealerships identified in Plaintiffs' Complaint.

4 20. All Communications with NHTSA, the U.S. Department of Transportation, or the
5 departments of transportation of any U.S. state regarding the defects alleged in the Plaintiffs'
6 Complaint, the Electronic Component Parts, and/or the Drainage Tubes, including any prior drafts
7 of same, meeting minutes, internal memoranda and any exhibits or supporting Documents related
8 to same.

9 21. All Documents that relate to any investigation, recall, or potential recall in the
10 United States or any other country in which the Class Vehicles are sold, of any part of the
11 Electronic Component Parts or Drainage Tubes.

12 22. All Documents exchanged between BMW NA and NHTSA, the U.S. Department
13 of Transportation, or the departments of transportation of any U.S. state relating to the Electronic
14 Component Parts and/or Drainage Tubes.

15 23. All technical service bulletins issued for the Class Vehicles regarding the service
16 or general repair of the Electronic Component Parts and/or Drainage Tubes, including, but not
17 limited to:

18 a. water ingress into the compartment housing the Electronic Component
19 Parts;

20 b. failure or compromise of the Electronic Component Parts due to moisture;

21 c. relocation of the Electronic Component Parts;

22 d. leaking, blocking, coming loose, or malfunction of the Drainage Tubes;

23 e. repairs to the Drainage Tubes to address leaking, blocking, coming loose,
24 or malfunction;

25 f. complaints concerning water ingress, or moisture build-up in the Class
26 Vehicles' trunks, spare tire compartments, or cargo areas; and/or

27 g. complaints about electrical failure of the Class Vehicles due to moisture
28 build-up around the Electronic Component Parts.

1 24. Any complaints, inquiries, or comments by consumers regarding the alleged
2 defects described in Plaintiffs' Complaint, including failure or compromise of the Electronic
3 Component Parts due to water ingress or moisture build-up. Please provide all search terms used
4 for responding to this Request and provide these Documents in their native format.

5 25. Documents that refer or relate to the settlement of complaints, claims, and/or
6 lawsuits relating to the Drainage Tubes and/or Electronic Component Parts.

7 26. Your written policies for handling complaints, inquiries, and concerns by
8 consumers or governmental bodies regarding alleged mechanical and/or safety defects in Class
9 Vehicles.

10 27. All Communications between BMW NA, or someone on behalf of BMW NA, and
11 consumers regarding actual or potential defects in the Electronic Component Parts or Drainage
12 Tubes in the Class Vehicles, including, but not limited to complaints about the failure or
13 compromise of the Electronic Component Parts due to water ingress or moisture build-up.

14 28. All Documents regarding repairs to or inspection and testing of any parts of the
15 Electronic Component Parts, the compartment within which the Electronic Component Parts sit,
16 and/or Drainage Tubes. This includes policies, procedures, guidelines, training materials, service
17 bulletins, warranties, or repair protocols.

18 29. All Documents that relate to changes made to the Electronic Component Parts, the
19 Drainage Tubes and/or the compartment within which the Electronic Component Parts sit in the
20 Class Vehicles, including, but not limited to engineering changes, manufacturing or design
21 changes, process changes, coating changes, changes in materials, change of location, or changes
22 to the durability of the components used.

23 30. The owner's manual for each year and model of the Class Vehicles.

24 31. All insurance policies and declarations thereof by which any insurance company
25 may be liable to satisfy all or any part of any judgment rendered herein. This Request includes all
26 excess policies.

27 32. Your Document retention policies in effect from 1998 to present.

28 33. All Documents sufficient to identify your warranty providers.

1 34. Copies of each warranty and extended warranty that applies or may apply to the
2 Class Vehicles.

3 35. All Documents identifying the number of customers who requested a service
4 person, retailer, or any other authorized provider to inspect the defects alleged in Plaintiffs'
5 Complaint.

6 36. All Documents concerning your refund, repair, or replacement policies applicable
7 to the Class Vehicles.

8 37. All Documents concerning your repair, replacement, warranty coverage, or
9 goodwill policies and procedures related to SI B 61 13 06: Various Electrical Problems Caused by
10 Water Ingress.

11 38. All Documents and Communications related to service bulletin SI B61 13 06,
12 including Documents and Communications relating to any and all versions of that service
13 bulletin.

14 39. All Documents and Communications related to the warning label with Part
15 Number 71 24 6 777 721.

16 40. All Documents concerning refunds, repair reimbursements, model replacements,
17 and purchase rebates given to any potential class member due to the defects alleged in Plaintiffs'
18 Complaint.

19 41. All Documents concerning when you first became aware of, obtained knowledge
20 of, or first noticed the defect in the Class Vehicles as described in Plaintiffs' Complaint,
21 including, but not limited to internal memoranda, emails, board meeting minutes, service flashes,
22 customer service reports, quality and control reports, and/or any other reports.

23 42. All Documents generated by any manufacturer or designer revealing components
24 of the Class Vehicles that relate to the alleged defects in the Class Vehicles.

25 43. All Documents that you contend support any basis for challenging the ability for
26 Plaintiffs to maintain this case as a class action, including:

27 a. that the class is so numerous joinder is impracticable;

- b. that the claims of the named Plaintiffs are typical of those of the rest of the putative Class members;
- c. the adequacy of the named Plaintiffs or proposed Class Counsel;
- d. Predominance of common issues of law or fact;
- e. the manageability of this case as a class action at trial; and
- f. the superiority of a class action to adjudicate the issues set out in the Complaint.

44. All Documents that You receive pursuant to any subpoena that You serve related to this case.

45. From 1998 to present, a copy of each of Your organizational charts that identify the employees or entities and/or their departments involved in handling general and/or warranty claims submitted by consumers and/or their representatives, BMW retailers, and/or retailers of the Class Vehicles in this action.

46. From 1998 to present, a copy of each of Your organizational charts that identify the employees or entities and/or their departments involved in providing customer service to any purchasers or lessees of the Class Vehicles, or support to any authorized service persons.

47. A copy of the curriculum vitae of any expert that you intend to use to testify on Your behalf in this litigation.

48. All DVPRs, DVRS, or Documents related to testing performed to verify the design of the Electronic Component Parts and/or Drainage Tubes, including, but not limited to the durability of those components and the location of the Electronic Component Parts.

49. All Documents that reference or relate to design specifications of the Electronic Component Parts and Drainage Tubes in the Class Vehicles. This includes drawings, blueprints and diagrams.

Dated: March 16, 2015

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By:

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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2015, I caused a true and correct copy of the foregoing to be served upon the following counsel of record via electronic mail and U.S. First Class Mail:

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